



California Regulatory Notice Register

REGISTER 2010, NO. 12-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 19, 2010

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z2010-0309-05 409
 State Agency: Sierra Nevada Conservancy

TITLE 2. STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998, Overcrowding Relief Grant — Notice File No. Z2010-0309-06 410

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

Biodiesel Standards and Biodiesel and E85 Labeling — Notice File No. Z2010-0308-01 412

TITLE 5. DEPARTMENT OF EDUCATION

Child Care and Development Services for Children Receiving Child Protective Services and At-Risk Children — Notice File No. Z2010-0309-03 414

TITLE 5. BOARD OF EDUCATION

Charter Revocation Under Education Code Sec. 47604.5 — Notice File No. Z2010-0309-04 416

TITLE 10. DEPARTMENT OF INSURANCE

California Low Cost Automobile Insurance Rates — 2010 — Notice File No. Z2010-0309-01 418

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

Conflict of Interest Code — Notice File No. Z2010-0304-01 422

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

Activity Center Clarification for NSO, 2010 — Notice File No. Z2010-0308-02 422

TITLE 14. FISH AND GAME COMMISSION

California Tiger Salamander — Notice File No. Z2010-0309-08 425

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Extended Confinement Time and Jurisdiction — Notice File No. Z2010-0304-02 427

(Continued on next page)

***Time-
Dated
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME
Field Studies for San Francisco Garter Snake 429

DEPARTMENT OF FISH AND GAME
CESA Consistency Determination Request for California State University Channel Islands New Entrance Road Project Ventura 430

FISH AND GAME COMMISSION
Continuation Notice re: 2010–2011 Mammal Hunting Regulations (Continuation of California Regulatory Notice Register 2010, No. 8–Z and Meetings of February 4, 2010 and March 3, 2010) 430

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Notice of Intent to List Epoxiconazole — Extension of Public Comment Period 433

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION
2010 OAL Determination No. 5(S)
Summary Disposition re: Operational Procedure No. 805 issued by California State Prison, Corcoran 433

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 435
Sections Filed, October 7, 2009 to March 10, 2010 438

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODE

AMENDMENT

STATE AGENCY: Sierra Nevada Conservancy

A written comment period has been established commencing on **March 19, 2010** and closing on **May 3, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **May 3, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respec-

tive agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.184, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend Regulation Section 1859.184, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code. The proposal interprets and makes specific reference to Section 17079.20 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by

the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The Overcrowding Relief Grant (ORG) Program was established by Assembly Bill (AB) 127, Chapter 35, Statutes of 2006 (Nunez/Perata). It enables school districts to reduce the number of portable classrooms on eligible overcrowded school sites by replacing them with permanent classrooms. Districts must demonstrate that their project will relieve overcrowding by increasing useable outdoor space for uses such as play areas, green space, or outdoor lunch areas.

At least one more funding cycle is needed for the ORG Program because five funding cycles through January 29, 2010 have allocated/requested only about half of the \$1 billion authorized for the Program. The authority for the SAB to establish future funding cycles beyond July 30, 2010 will be needed to continue ORG funding because AB 127 did not provide for ORG funds to be used for other programs.

The proposed amendments to one SFP regulation section are as follows:

Existing Regulation Section 1859.184 specifies the submittal and apportionment process for school districts applying for funding under the ORG Program. The proposed amendments add an additional application submittal date of July 30, 2010 for a future funding cycle, as well as authorizing the SAB to establish subsequent funding cycles in order to apportion any or all remaining ORG funds.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than May 3, 2010, at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulation.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulation during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to change regulations contained in Title 4, Division 9, Chapter 6, Article 5 and Chapter 7. Adopt ASTM International fuel quality specification D 7467 for biodiesel blends of 6 to 20 volume percent for use in compression ignition engines. The Department is required by Section 13450 to establish standards for compression-ignition engine fuels including diesel fuel, biodiesel and biomass-based diesel fuel. The Department is also required to adopt the latest version of recognized con-

sensus standards. ASTM International completed its work in the development of a biodiesel blend standard and according to Section 13450 of the Business and Professions Code the Department must adopt that standard.

A public hearing is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards, 6790 Florin Perkins Road Suite 100, Sacramento, California 95828. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on May 17, 2010.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Legislature has charged the Department with the responsibility of supervising weights and measures activities within California (Business and Professions Code, Division 5, Section 12100). The Secretary of the Department of Food and Agriculture is granted the authority to adopt such regulations as are reasonably necessary to carry out the provisions of the Business and Professions Code, Sections 13450 and 13530.

The proposed regulation will allow the Department to include ASTM International D 7467 Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6-B20) to Title 4, Division 9, Chapter 6, Article 5: Engine Fuel Standards. The addition of this fuel standard will allow fueling stations to sell diesel blended with biodiesel between 6 to 20 volume percent biodiesel to California's motoring public; provided the biodiesel fuel meets ASTM International fuel specifications.

Currently producers of diesel fuel with any amount of biodiesel must obtain a variance from the Department before using this fuel in the state. Moreover, producers of bio-fuels granted a variance may only sell to members that enter an agreement with the variance holder. Not to the general public.

The proposed regulations will also match the Department's labeling requirements for legal alternative fuels,

E85 Fuel Ethanol, M85 Fuel Methanol, biodiesel, bioblends, biomass diesel, and biomass diesel blends with those of the Federal Trade Commission (16 CFR 306) as required under the national Energy Independence and Security Act of 2007.

COST TO LOCAL AGENCIES AND SCHOOLS

The Department has determined that this proposal does not impose a mandate on local agencies or school districts.

The Department has also determined that this action will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable cost or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code and no costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states. These regulations will allow the sale of fuel meeting ASTM D 7487, biodiesel blends of 6 to 20 volume percent and will clarify the specifications of fuel meeting ASTM D 975 with up to 5 volume percent biodiesel. This will have a positive impact on businesses as they will be able to sell their fuel immediately without applying for a fuel variance. In addition, it will match the Department's labeling requirements for legal alternative fuels, E85 Fuel Ethanol, M85 Fuel Methanol, biodiesel, bioblends, biomass diesel, and biomass diesel blends with those of the Federal Trade Commission.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create

or eliminate jobs within California, (2) create new business or eliminate existing business within California, or (3) affect the expansion of businesses currently doing business in California.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Secretary of the Department of Food and Agriculture is granted the authority under the California Business and Professions Code, Section 13450 and 13530 to adopt regulations concerning compression-ignition engine fuel standards and the advertising of such fuels. The Department proposes to change regulations contained in TITLE 4, Division 9, Chapter 6, Article 5 and Chapter 7.

REFERENCE

The Department is implementing, interpreting, and making specific Business and Professions Code Section 13450 which concerns standards for compression-ignition engine fuels, kerosene, and fuel oil, except that no specification shall be less than required by any California state law. Additionally, the Department is required by the Business and Professions Code, Division 5, Chapter 14, Section 13450 to establish standards for compression-ignition engine fuels including diesel fuel, biodiesel and biomass-based diesel fuel.

EFFECT ON SMALL BUSINESS

The Department has made an assessment that the proposed regulations will not affect small business because these regulations will allow the sale of fuel meeting ASTM D 7487, biodiesel blends of 6 to 20 percent and will clarify the specifications of fuel meeting ASTM D 975 with up to 5 volume percent biodiesel. This will have a positive impact on business as they will be able to sell their fuel immediately without applying for a fuel variance. In addition, it will match the Department's labeling requirements for legal alternative fuels, E85 Fuel Ethanol, M85 Fuel Methanol, biodiesel, bioblends, biomass diesel, and biomass diesel blends with those of the Federal Trade Commission. Businesses that comply with current regulations will remain in compliance under the proposed regulations.

CONTACT

Inquiries concerning the proposed adoption of this regulation may be directed to the Department of Food and Agriculture, Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828, Gary Castro, Branch Chief at (916) 229-3049, or via e-mail at gcastro@cdfa.ca.gov. In his absence, you may contact David Lazier, Assistant Director at (916) 229-3000.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed action, which has the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form is located at the Division of Measurement Standards, 6790 Florin Perkins Road, Suite 100, Sacramento, CA 95828, and may be obtained upon request. Additionally, all documents relating to this rulemaking file may be obtained from the Department's website located at www.cdfa.ca.gov/dms.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting Gary Castro at (916) 229-3049, or via e-mail at gcastro@cdfa.ca.gov.

When completed, the final statement of reasons will be available upon request. Requests should be directed to Gary Castro at the address above.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website: www.cdfa.ca.gov/dms/regulations.html.

TITLE 5. DEPARTMENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING CHILD CARE AND DEVELOPMENT SERVICES FOR CHILDREN RECEIVING CHILD PROTECTIVE SERVICES AND AT RISK CHILDREN

[Notice published March 19, 2010]

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to

adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing beginning at **9:30 a.m. on May 7, 2010**, at 1430 N Street, **Room 1801**, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments¹ relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator prior to **5:00 p.m. on May 7, 2010**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SSPI may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

¹ All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AUTHORITY AND REFERENCE

Authority: Sections 8250, 8261, 8261.5, 8263, 8265, 8269 and 8447, Education Code.

References: Sections 8203, 8206, 8208, 8212, 8250, 8261, 8261.5, 8263, 8265, 8269, 8350.5 and 8447, Education Code; Sections 16500–16521.5, Welfare and Institutions Code.

INCORPORATION BY REFERENCE

The Manual of Policy and Procedures, Division 31, Section 31 is incorporated by reference at <http://www.dss.cahwnet.gov/ord/PG309.htm> (12/23/09).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill 1104 (2004) requires child care and development contractors to change the amount of child care and development services provided to families if the family has a child(ren) who are recipients of child protective services or who are at risk of abuse, neglect, and exploitation. In addition, child care and development contractors will need to begin collecting family fees if the family has a child(ren) who are recipients of protective services or who are at risk of abuse, neglect, or exploitation, unless they are exempt from paying fees for no more than a combined total of up to 12 months based on the referral from the county welfare department, child welfare services worker or a legal, medical, or social services agency or emergency shelter.

The purpose of these regulations is to facilitate implementation of SB 1104 by providing procedures for child care and development contractors to follow for children receiving child protective services and children at risk of abuse, neglect, or exploitation.

DISCLOSURES REGARDING THE PROPOSED ACTION

The SSPI has made the following initial determinations:

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local educational agencies: None.

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The SSPI is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None.

Effect on small businesses: The proposed amendments to the regulations do not have a significant effect on small businesses because funding will continue to small businesses providing child care and development services.

CONSIDERATION OF ALTERNATIVES

The SSPI must determine that no reasonable alternative he considered or that has otherwise been identified and brought to his attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The SSPI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Jack Stroppini, Child Development Consultant
Child Development Division
California Department of Education
1430 N Street, Room 3410
Sacramento, CA 95814
Telephone: 916–322–6233
E-mail: jstroppini@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916–319–0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SSPI has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

**TEXT OF PROPOSED REGULATION AND
CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

**REASONABLE ACCOMMODATION FOR ANY
INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Jack Stroppini, Child Development Division, 1430 N Street, 3rd Floor, Sacramento, CA, 95814; telephone, 916-322-6233. It is recommended that assistance be requested at least two weeks prior to the hearing.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

**AMENDMENTS TO THE CALIFORNIA CODE OF
REGULATIONS, TITLE 5 REGARDING
CHARTER REVOCATION UNDER EDUCATION
CODE SECTION 47604.5**

[Notice Published March 19, 2010]

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objec-

tions, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at **9:00 a.m. on May 14, 2010**, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments¹ relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator
LEGAL DIVISION
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov. Comments must be received by the Regulations Coordinator by **5:00 p.m. on May 14, 2010**.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

¹ All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AUTHORITY AND REFERENCE

Authority: Sections 33031, Education Code.

Reference: Sections 47604.5 and 47607, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 47604.5 provides the criteria by which the State Board of Education (SBE), whether or not it is the authority that granted a school's charter, may, based upon the recommendation of the State Superintendent of Public Instruction (SSPI), take appropriate action, including, but not limited to, revocation of a school's charter.

Through this rulemaking process, the SBE proposes to amend Article 2 of Subchapter 19 of Chapter 11 of Division 1 of California Code of Regulations, Title 5. The proposed regulations provide a process and set out the conditions for action by the SBE against any charter school in the state when the SBE finds that the charter school has engaged in substantial and sustained departure from measurably successful practices that jeopardize the educational development of a school's pupils pursuant to Education Code section 47604.5(c).

DISCLOSURES REGARDING THE PROPOSED REGULATION

The SBE has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to state agencies: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the *Government Code*: None.

Other non-discretionary cost or savings imposed on local educational agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within Califor-

nia; or 3) affect the expansion of businesses currently doing business within California.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because they relate only to charter schools, school districts, and the CDE, and not to small business practices.

CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action. The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the content of this regulation may be directed to:

Michelle Ruskofsky, Education Program Consultant
Charter Schools Division
California Department of Education
1430 N Street, Room 5401
Sacramento, CA 95814
Telephone: 916-322-6029

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Connie Diaz, Regulations Analyst, at 916-319-0860.

INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an initial statement of reasons for the proposed regulations and has available all the information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the final statement of reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

**REASONABLE ACCOMMODATION FOR ANY
INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Michelle Ruskofsky, Charter Schools Division, 1430 N Street, Suite 5401, Sacramento, CA, 95814; telephone, 916-322-6029. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 10. DEPARTMENT OF
INSURANCE**

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105**

REG-2010-00002

March 19, 2010

**NOTICE OF PROPOSED ACTION
AND NOTICE OF PUBLIC HEARING
REGARDING LOW COST
AUTOMOBILE INSURANCE RATES**

SUBJECT OF HEARING

California Insurance Commissioner Steve Poizner will hold a public hearing to consider an adjustment to rates for the California Low Cost Automobile Insurance program.

Insurance Code Section 11629.72(c) provides that, annually, the California Automobile Assigned Risk Plan ("CAARP") shall submit to the Commissioner a proposed Low Cost Automobile rate and surcharge schedule for approval. Accordingly, CAARP submitted

its 2010 rate recommendation on January 8, 2009, proposing an overall average rate decrease of 2.4%.

Currently, the annual premiums for the liability policy, by county, are \$272 for Alameda, \$274 for Alpine, \$262 for Amador, \$233 for Butte, \$232 for Calaveras, \$252 for Colusa, \$267 for Contra Costa, \$243 for Del Norte, \$263 for El Dorado, \$258 for Fresno, \$255 for Glenn, \$237 for Humboldt, \$161 for Imperial, \$253 for Inyo, \$254 for Kern, \$222 for Kings, \$217 for Lake, \$269 for Lassen, \$368 for Los Angeles, \$223 for Madera, \$274 for Marin, \$251 for Mariposa, \$224 for Mendocino, \$238 for Merced, \$258 for Modoc, \$259 for Mono, \$198 for Monterey, \$243 for Napa, \$251 for Nevada, \$295 for Orange, \$284 for Placer, \$241 for Plumas, \$262 for Riverside, \$361 for Sacramento, \$253 for San Benito, \$274 for San Bernardino, \$264 for San Diego, \$302 for San Francisco, \$278 for San Joaquin, \$226 for San Luis Obispo, \$287 for San Mateo, \$231 for Santa Barbara, \$261 for Santa Clara, \$213 for Santa Cruz, \$242 for Shasta, \$272 for Sierra, \$216 for Siskiyou, \$271 for Solano, \$251 for Sonoma, \$307 for Stanislaus, \$279 for Sutter, \$235 for Tehama, \$253 for Trinity, \$209 for Tulare, \$249 for Tuolumne, \$267 for Ventura, \$257 for Yolo and \$260 for Yuba. A 25 percent surcharge is added to the base rate for unmarried male drivers ages 19 through 24.

Annual premiums for optional uninsured motorists coverage, by county, are currently \$28 for Alameda, \$40 for Alpine, \$37 for Amador, \$32 for Butte, \$38 for Calaveras, \$38 for Colusa, \$28 for Contra Costa, \$38 for Del Norte, \$34 for El Dorado, \$42 for Fresno, \$37 for Glenn, \$34 for Humboldt, \$32 for Imperial, \$38 for Inyo, \$32 for Kern, \$35 for Kings, \$34 for Lake, \$39 for Lassen, \$73 for Los Angeles, \$37 for Madera, \$33 for Marin, \$37 for Mariposa, \$35 for Mendocino, \$36 for Merced, \$39 for Modoc, \$40 for Mono, \$31 for Monterey, \$34 for Napa, \$35 for Nevada, \$37 for Orange, \$33 for Placer, \$40 for Plumas, \$34 for Riverside, \$45 for Sacramento, \$36 for San Benito, \$43 for San Bernardino, \$26 for San Diego, \$31 for San Francisco, \$35 for San Joaquin, \$32 for San Luis Obispo, \$26 for San Mateo, \$31 for Santa Barbara, \$22 for Santa Clara, \$32 for Santa Cruz, \$34 for Shasta, \$40 for Sierra, \$38 for Siskiyou, \$31 for Solano, \$29 for Sonoma, \$34 for Stanislaus, \$36 for Sutter, \$37 for Tehama, \$38 for Trinity, \$35 for Tulare, \$37 for Tuolumne, \$33 for Ventura, \$35 for Yolo and \$36 for Yuba.

For optional medical payments coverage, by county, premiums are currently \$24 for Alameda, \$23 for Alpine, \$25 for Amador, \$23 for Butte, \$22 for Calaveras, \$23 for Colusa, \$22 for Contra Costa, \$22 for Del Norte, \$20 for El Dorado, \$30 for Fresno, \$23 for Glenn, \$22 for Humboldt, \$21 for Imperial, \$22 for Inyo, \$29 for Kern, \$23 for Kings, \$22 for Lake, \$22 for Lassen, \$50 for Los Angeles, \$21 for Madera, \$23 for

Marin, \$23 for Mariposa, \$21 for Mendocino, \$23 for Merced, \$24 for Modoc, \$23 for Mono, \$25 for Monterey, \$22 for Napa, \$22 for Nevada, \$27 for Orange, \$21 for Placer, \$22 for Plumas, \$17 for Riverside, \$29 for Sacramento, \$21 for San Benito, \$19 for San Bernardino, \$20 for San Diego, \$30 for San Francisco, \$28 for San Joaquin, \$20 for San Luis Obispo, \$21 for San Mateo, \$22 for Santa Barbara, \$17 for Santa Clara, \$20 for Santa Cruz, \$22 for Shasta, \$23 for Sierra, \$22 for Siskiyou, \$24 for Solano, \$23 for Sonoma, \$24 for Stanislaus, \$25 for Sutter, \$22 for Tehama, \$22 for Trinity, \$21 for Tulare, \$22 for Tuolumne, \$19 for Ventura, \$22 for Yolo and \$26 for Yuba.

In its rate recommendation for 2010, CAARP has proposed to decrease rates for the liability, optional uninsured motorist and medical payments coverages referenced above. On average, CAARP's proposal would lower rates by 2.4%. The Commissioner will consider the current rates and CAARP's rate proposal and hereby invites public input regarding CAARP's proposal. Premium rates are specified in the program's Plan of Operations, approved by the Commissioner. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

AUTHORITY TO ADOPT RATES AND REFERENCE

Authority for the promulgation of rates is vested in the Insurance Commissioner pursuant to California Insurance Code Sections 11620, 11624, 11629.7, 11629.72, and 11629.79. Premium rates are referenced in Section 27 and Exhibit E of the Program's Plan of Operations. The proposed regulation implements, interprets, and makes specific Insurance Code sections 11629.72 and 11629.79. Government Code Section 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates at the following date, time, and place:

Date and Time: **May 18, 2010**
10:00 a.m.

Location: **45 Fremont Street**
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons

with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Bryant Henley, Senior Staff Counsel
California Department of Insurance
Legal Division
45 Fremont Street, 21st Floor
San Francisco, CA 94105
henleyb@insurance.ca.gov
Telephone: (916) 492-3558
Facsimile: (916) 324-1883

The backup agency contact person for this proceeding will be:

Alec Stone, Staff Counsel
California Department of Insurance
Legal Division
45 Fremont Street, 21st Floor
San Francisco, CA 94105
stonea@insurance.ca.gov
Telephone: (415) 538-4113
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on May 5, 2010**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section

2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Insurance Code Sections 11629.7 through 11629.85 establish, within the California Automobile Assigned Risk Plan, established under Section 11620 of the Insurance Code, a statewide Low Cost Automobile Insurance Program.

Because the program is established and administered through the California Automobile Assigned Risk Plan ("CAARP"), CAARP procedures are applied where appropriate and consistent with the low cost automobile insurance statutes. Insurance Code Sections 11620 and 11.624 require the Commissioner to hold a public hearing before amending assigned risk plan rates.

Section 11629.7 of the Insurance Code requires that, after a public hearing, the Commissioner shall approve or issue a reasonable plan for the equitable apportionment, among insurers, of eligible consumers. The plan also contains rules and rates. This plan, approved by the Commissioner, is referenced in Title 10, Section 2498.6 of the California Code of Regulations.

Under the program, the low-cost auto policy satisfies financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the annual premium rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for adjusting the rates.

Insurance Code Section 11629.72(c) provides that, annually, CAARP shall submit to the Commissioner a proposed rate and surcharge for approval. Accordingly, CAARP has submitted a proposal to maintain current rates for the liability policy and optional coverages and further proposes to maintain the 25 percent surcharge rate. Further details appear in the application on file

with the Commissioner, which is available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES/SCHOOL DISTRICTS/FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any state agency or to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other non-discretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

Because the proposal involves rates for private passenger automobiles, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not impact businesses, but will have a potential cost impact on private persons directly affected.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

EFFECT ON SMALL BUSINESSES

The Insurance Commissioner has initially determined that the proposal will have minimal, if any, effect on small businesses and invites comments.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to the proposed rate, or other alternatives, at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The rate application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the rate proposal, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, the text of regulations, and all the information upon which this proposal is based are available for inspection or copying, and will be provided at no charge upon request to a contact person listed above. Further details of CAARP's rate application are on file with the Commissioner and available for review as set forth below.

QUESTIONS REGARDING REGULATIONS/ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of the proposed rate application. **By prior appointment**, CAARP's Low Cost Automobile rate application is available for inspection at the public viewing rooms at 45 Fremont Street, 22nd Floor, San Francisco, California 94105 by calling (415) 538-4300, and at the Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013 by calling (213) 346-6707 between the hours of 9:00 a.m. and 4:30 p.m. Monday through

Friday. Interested persons may direct questions about the proposed rate application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont, 21st Floor, San Francisco, California 94105 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

FINAL STATEMENT OF REASONS

Once prepared, the Final Statement of Reasons will be made available through the contact persons listed above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. On the right-hand column of the page, click the drop-down menu under the heading 'For Insurers.' In this section, scroll down until you see the subheading 'Regulations.' Below this subheading, click on the 'Proposed Regulations' link and then click on the 'Search for Proposed Regulations' link. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "REG-2010-00002" (the Department's regulation file number for these regulations) in

the 'Search for' field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "11624"), or search by keyword ("low cost," for example). Then, click on the 'Submit' button to display links to the various filing documents.

To browse, click on the 'Browse All Regulations' button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'Statistical Plan Enforcement Remedies' link, and click it. Links to the documents associated with these regulations will then be displayed.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN that the Department of Motor Vehicles, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The Department of Motor Vehicles proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment reflects the organizational structure of the Department of Motor Vehicles as of April 1, 2009, and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the contact person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than May 3, 2010, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than April 19, 2010, by contacting the contact person set forth below.

The Department of Motor Vehicles has prepared a written explanation of the reasons for the proposed amendments and has available the information on

which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the contact person set forth below.

The Department of Motor Vehicles has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Motor Vehicles must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
PO Box 932382, MS C-244
Sacramento, CA 94232-3820
Telephone: (916) 657-8898
Facsimile: (916) 657-1204
RCalkins@dmv.ca.gov

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

[Published March 19, 2010]

NOTICE OF PROPOSED RULEMAKING

Activity Center Clarification for Northern Spotted Owl, 2010

Title 14 of the California Code of Regulations (14 CCR):

The Board of Forestry and Fire Protection (Board) proposes to amend and adopt the regulations of Title 14

of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

Amend

919.9 [939.9] Northern Spotted Owl

PUBLIC HEARING

The Board will hold a public hearing starting at 8:00 a.m., on Wednesday, May 5, 2010, at the Resources Building Auditorium, 1st Floor, and 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code section 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m., Monday, May 3, 2010. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Public Resources Code (PRC) 4551 and 4554.5 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific sections 4512, 4513 and 4561 of the Public Resources Code. Reference: Public Resources Code sections 4513, 4551.5, 4561, 4584 and 21080.5.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The proposed regulation removes undefined terms in the Forest Practice Rules and provides clarity as to where the protection measures for Northern Spotted Owls will be applied.

**SPECIFIC PURPOSE AND NECESSITY
OF THE REGULATION**

The amendment to 14 CCR § 919.9 [939.9], subsection (c)(4) and 919.9 [939.9], subsections (g)(1), (2), (3), and (4) removes the undefined terms “active nest site” and “pair activity center” and replaces them with “activity center”, which is defined by a previous rule-making action.

14 CCR § 919.9 [939.9](g) is also amended to clarify that “activity center-specific protection measures” and “owl” habitat shall be determined, documented and retained as part of the plan and operations. The undefined term “nest site” is also deleted.

The above amendments are necessary to ensure that no confusion exists as to what an activity center is, and what protections are needed.

Nonsubstantive amendments are also made in 14 CCR § 919.9 [939.9](g). The term “THP” is replaced with “plan”. This change is for consistency with terminology used throughout the FPRs. The term “plan” is defined in the FPRs and includes a Timber Harvest Plans (THP).

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None are known.
- Costs or savings to any State agency: None are known.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None are known.
- Potential cost impact on private persons or directly affected businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation does not impose any new operational or plan preparation requirements that would result in an adverse cost impact.
- Effect on small business: None. The Board has determined that the proposed amendments will not affect small business because the proposal adds no new operational or plan preparations cost.
- Significant effect on housing costs: None are known.
- Adoption of these regulations will not create or eliminate jobs within California.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed Rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for

which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone (916) 653-5602.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action, using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKE-THROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above-referenced information is also available on the CDF web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are

sufficiently related to the originally proposed text, it will make the modified text — with the changes clearly indicated — available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 2070 and 2075.5 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 2055, 2062, 2067, 2070, 2074.6, 2075.5, 2077, 2080, 2081 and 2835 of said Code, proposes to amend Section 670.5, Title 14, California Code of Regulations, relating to Animals of California Declared to Be Endangered or Threatened.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Fish and Game recommends that the Commission amend subsection (b)(3) of Section 670.5 of Title 14, CCR, to add the California tiger salamander (*Ambystoma californiense*) to the list of threatened animals.

In making the recommendation to list the California tiger salamander pursuant to CESA, the Department identified the following primary threats: 1) continued and long-term habitat loss/conversion and fragmentation (the California tiger salamander requires both aquatic and upland habitats; anything that impedes movements such as roads or other barriers restricts the salamander from moving between the two habitats); 2) hybridization with introduced non-native tiger salamanders over the past 60 years, resulting in decreased

population and distribution of genetically “pure” native tiger salamanders; 3) increased predation by, and competition with, other non-native species — particularly fishes and amphibians. More detail about the current status of the California tiger salamander can be found in the “Report to the California Fish and Game Commission, A Status Review of the California tiger salamander (*Ambystoma californiense*)” (Department of Fish and Game, January 11, 2010; <http://www.dfg.ca.gov/wildlife/nongame/publications/>)

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Stockton Rod and Gun Club, 3120 Monte Diablo Avenue, Stockton, California, on Wednesday, May 5, 2010 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 30, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on May 3, 2010. All comments must be received no later than May 5, 2010 at the hearing in Stockton, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of

adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

Although (CESA) statutes do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing or delisting process.

CESA is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact of businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA.

Since the finding portion of CESA is silent to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on business and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Designation of the California tiger salamander as threatened will subject it to the provisions of CESA. This act prohibits take and possession except as may be permitted by the Department.

Threatened status is not expected to result in any significant adverse economic effect on small business or significant cost to private persons or entities undertaking activities subject to the California Environmental Quality Act (CEQA). The CEQA requires local governments and private applicants undertaking projects subject to the CEQA to consider *de facto* endangered species to be subject to the same requirements under the CEQA as though they were already listed by the Commission in Section 670.2 (CEQA Guidelines, Section 15380). California tiger salamander has qualified for protection under the CEQA Guidelines Section 15380 since its designation by the Department in 1994 as a species of special concern and the US Fish and Wildlife Service in 2004 as threatened throughout its range.

Required mitigation as a result of lead agency actions under the CEQA, whether or not the species is listed by the Commission, may increase the cost of a project. Such costs may include, but are not limited to, purchasing off-site habitat, development and implementation of management plans, establishing new populations, installation of protective devices such as fencing, protection of additional habitat, and long-term monitoring of mitigation sites. Lead agencies may also require additional actions should the mitigation measures fail, resulting in added expenditures by the proponent. If the mitigation measures required by the CEQA lead agency do not minimize and fully mitigate to the standards of CESA, listing could increase business costs by requiring measures beyond those required by the CEQA.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

No significant impact.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or entities undertaking activities subject to CEQA. CEQA presently requires private applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Section 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines Section 15380).

Any added costs should be more than offset by savings that would be realized through the information consultation process available to private applicants under CESA. The process would allow conflicts to be resolved at an early stage in project planning and development, thereby avoiding conflicts later in the CEQA review process, which would be more costly and difficult to resolve.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF PROPOSED REGULATORY ACTION

(California Code of Regulations Title 15, Crime Prevention and Corrections California Department Of Corrections and Rehabilitation)

NOTICE IS HEREBY GIVEN that the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) proposes to adopt Section 4190, Title 15, Division 4, Article 1, of the California Code of Regulations (CCR), and to adopt Section 4191, Title 15, Division 4, Article 2, of the CCR pertaining to Extended Confinement Time and Jurisdiction Over Dangerous Persons. The DJJ also proposes to repeal Section 4192.5, Title 15, Division 4, Article 2, of the CCR, to repeal Section 4193, Title 15, Division 4, Article 2, of the CCR, and to repeal Section 4196, Title 15, Division 4, Article 3, of the CCR, pertaining to Extended Confinement Time and Jurisdiction Over Dangerous Persons.

WRITTEN COMMENT PERIOD

The public comment period will close on May 3, 2010. Any interested person may submit public comments in writing by mail, fax, or e-mail relevant to this proposed regulatory action. To be considered by the DJJ, written comments must be submitted to the DJJ, Policy, Procedures, Programs, and Regulation (PPP&R) Unit, 4241 Williamsborough Drive, Suite 117, Sacramento, CA 95823; by fax at (916) 262-2608; or by e-mail at Tony.Smith@cdcr.ca.gov before the close of the comment period.

PUBLIC HEARING

The DJJ has not scheduled a public hearing on this proposed action. However, the DJJ will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

AUTHORITY

Welfare and Institutions (W&I) Code, Section 1712 assigns responsibility to the CDCR, DJJ to make and enforce all rules appropriate to the proper accomplishment of the functions of the DJJ.

REFERENCE

This action is proposed to implement, interpret, and/or make specific Sections 1800 and 1802 of the W&I Code.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Tony Smith
Policy, Procedures, Programs, and Regulations
Unit
Division of Juvenile Justice
(916) 262-2743

Questions regarding the substance of the proposed regulations should be directed to:

Dr. Juan Carlos Arguello
Division of Juvenile Facilities
Division of Juvenile Justice
(916) 262-2777

In the event the contact persons are not available, inquiries may be directed to the following back-up contact:

Angelina Parker
Policy, Procedures, Programs, and Regulations
Unit
Division of Juvenile Justice
(916) 262-1550

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None
- Cost or savings to any state agency: None
- Other non-discretionary cost or savings imposed on local agencies: None

- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The DJJ has made an initial determination that the proposed regulations will not have a significant effect on housing costs.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The DJJ is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The DJJ has determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The DJJ has determined that the proposed regulations will not affect small business due to the fact the rules apply only to DJJ staff.

ASSESSMENT

The DJJ has determined that the proposed regulations will have no effect on the creation of new jobs or businesses within California or the elimination of existing jobs or businesses, nor would the regulations affect the expansion of businesses currently operating within California.

ALTERNATIVES CONSIDERED

The DJJ has determined that no reasonable alternative that has been identified and brought to the attention of DJJ would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND PROPOSED TEXT

The DJJ has prepared, and will make available, the initial statement of reasons and the proposed text of the

regulations. All documents pertaining to this regulatory action, including the express terms of this proposed action and all information on which the proposal is based (i.e., rulemaking file), are available to the public upon request from the agency contact person indicated within this notice.

INTERNET ACCESS

Materials regarding this proposed regulatory action can be accessed from the CDCR's website at <http://www.cdcr.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Once completed, the final statement of reasons will be available upon request from the agency contact person indicated within this notice and posted at the above CDCR website.

FORMS

Forensic Evaluation Summary Form (DJJ 8.292, New 08/08)

Youth Receipt of Information Form (DJJ 8.290, New 11/08)

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the DJJ, upon its own motion, may adopt the proposal substantially as set forth above without further notice.

If the regulation text is modified by the DJJ and the changes are sufficiently related to the originally proposed action, the DJJ will make the modified text available (with the changes clearly indicated) to the public for at least 15 days prior to adopting the amended regulations. The DJJ will accept written comments pertaining to only the modified text during the 15-day period prior to adoption of the revised text. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The W&I Code, Section 1712, assigns responsibility to the California Department of Corrections and Rehabilitation, DJJ, to make and enforce all rules appropriate to the proper accomplishment of the functions of DJJ.

The W&I Code, Section 1800 was adopted in 1963. It states, in effect, that DJJ can request that the prosecuting attorney petition the committing court for an order to extend the confinement time of a youth if the imped-

ing discharge of the youth would pose a danger to the public because of the youth's mental or physical deficiency, disorder, or abnormality.

In November 2004, the Superior Court of California in *Farrell v. Allen* (now Cate), County of Alameda, Case No. RG 03079344, issued orders in a Consent Decree under which the DJJ agreed to file remedial plans in all areas of deficiency identified by experts for the Court by January 31, 2005. The DJJ agreed to develop and implement a policy related to forensic evaluations by June 1, 2007. The policy was to be consistent with the principles discussed in Section 5 of the Mental Health Remedial Plan, dated August 24, 2006.

Current DJJ regulations pertaining to forensic evaluations are incomplete; consequently, they do not sufficiently provide staff with clear guidelines.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice

For Publication March 19, 2010

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Field Studies for San Francisco Garter Snake in
San Mateo County

The Department of Fish and Game ("Department") received a proposal on January 25, 2010 from Mark Allaback and David Laabs (Biosearch Associates, P.O. Box 1220, Santa Cruz, CA 95061) and Jeff Alvarez (The Wildlife Project, P.O. Box 579805, Modesto, CA 95357) requesting to conduct field studies on the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), a Fully Protected reptile, for research purposes, consistent with the protection and recovery of the species.

The applicant has applied for the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include: using cover boards, drift fences with funnel traps, visual encounter surveys, hand captures, dip nets (where necessary), and other standard means to capture the San Francisco garter snake (SFGS). The study locations include Wool Ranch, near La Honda, California; private property near Costanoa Resort, Año Nuevo, California; and throughout the species' range. Specific survey methodology may depend upon micro-habitat characteristics on the site to be investigated. If

traps are used, they will be checked in the afternoon of each trap day and closed after checking to reduce mammal bi-catch. Traps will be reopened the following morning. Handling will be minimized to that necessary to assess sex, condition, measure and mark snakes. Marking method will be scale clipping. The remaining tissue from the scale clip will be preserved as a sample for use in genetic analysis. Snakes will not be marked if their overall health appears atypical (e.g., gravid, previously injured, thinner than average, etc.). Any snake 30 centimeters or less in length and 9 grams or less in weight would not be marked. The proposed effort may assist in the recovery of the species through: 1) discovery of new populations; 2) the collection of new natural history data that can add to the understanding of the species including the discovery of unexpected habitat associations; 3) the development of mitigation measures for avoidance or reduction of "take" from proposed habitat modification; and 4) increased understanding of SFGS natural history, which can increase the likelihood of success of mitigation actions, habitat creation, and habitat management. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU), or equivalent authorization, to carry out the proposed activities. As this snake is also a federally endangered species, the applicant is required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take of Fully Protected reptiles after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the authorization on or after April 5, 2010, for an initial term of two years. The term may be renewed with Department authorization. Contact: Wildlife Branch, 1812 Ninth Street, Sacramento, CA 95811, Attn.: Betsy Bolster.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication March 19, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
California State University Channel Islands
New Entrance Road Project
Ventura
2080-2010-003-05

The Department of Fish and Game (Department) received a notice on March 8, 2010 that California State

University, Channel Islands (CSUCI) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project includes the construction of an entrance road, a vehicular bridge, and a pedestrian bridge providing a connection between Lewis Road and Santa Barbara Avenue south of Camarillo, east of Oxnard, and west of Thousand Oaks, Ventura County, CA (Project). Project activities will result in permanent impacts to 0.03 acres and in temporary impacts to 0.22 acres of habitat suitable for the least Bell's vireo (*Vireo bellii pusillus*).

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (81440-2009-F-0501)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on January 21, 2010, which considered the effects of the project on the federally and state endangered least Bell's vireo. Pursuant to California Fish and Game Code Section 2080.1, CSUCI is requesting a determination that the BO and ITS are consistent with CESA for the purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, CSUCI will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

(Continuation of California Notice
Register 2010, No.8-Z,
and Meetings of February 4, 2010 and
March 3, 2010)

(NOTE: The Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. "The commission shall exercise its powers under this article by regulations made and promulgated pursuant to this article. Regulations adopted pursuant to this article shall not be subject to the time periods for the adoption, amendment, or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8, and 11347.1 of the Government Code." See the text of this notice.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902

and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570–1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330–4333, 4336, 4751, 4756, 4800–4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, relating to Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2010–2011 Mammal Hunting Regulations.

At the Fish and Game Commission’s meeting on February 4, 2010, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2010–2011 seasons: proposes to amend sections 265, 360, 361, 362, 363, 364, 365, 366, 555, 708 and 713, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2010–2011 Mammal Hunting Regulations.

At the March 3, 2010, meeting in Ontario, the Fish and Game Commission received public testimony on the proposed regulatory changes.

Proposed changes to sections as set forth in Notice Register 2010, No. 8–Z, remain the same, except for Section 265. The Informative Digest for Section 265 has been amended as follows.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Subsection 265, Re: Use of Dogs for Pursuit/Take of Mammals or for Dog Training

Existing regulations provide boundaries for dog control zones where dogs are not allowed to be used for the pursuit/take of mammals or for dog training from the first Saturday in April through the day preceding the opening of the general deer season. The proposed change modifies the boundaries for the dog control zones to better align the boundaries with roads and to provide additional areas for dogs to be exercised and trained.

Existing regulations specify collars worn by dogs during the pursuit or take of mammals shall not have tip switches or global positioning systems (GPS). The proposed change eliminates this unnecessary prohibition.

The proposed language is updated to reflect a request at the Commission’s February 4, 2010 meet-

ing. This update provides four options for regulation change to require houndsmen who use GPS and radio telemetry collars on their dogs to register their frequencies with the Department and maintain the data for at least 24 hours. These proposed changes are intended to improve enforcement of this section. The initially noticed language will be listed as “Option 1” and the four new options will be listed as “Option 2” through “Option 5”.

The initial statement of reasons is also revised to add road number designations and correct spellings to improve clarity in the language.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The La Grande Room, Beach Resort Monterey, 2600 Sand Dunes Dr., Monterey, California, on Thursday, April 8, 2010, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2010 at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. All comments must be received no later than April 8, 2010, at the meeting in Monterey. If you would like copies of any modifications to this proposal, please include your name and mailing address.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference hearing to be held in the Resources Building, 1416 Ninth Street, Conference Room #1320, on April 21, 2010, at 10:00 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, but must be received no later than April 21, 2010 at the hearing in Sacramento. Consideration for adoption of the new regulations will be by teleconference call meeting on April 21, 2010, in Sacramento. The regulations as proposed in strikeout–underline format and modifications indicated in double strikeout/underline, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445–3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the pro-

posed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Draft environmental documents, associated with the proposed regulatory actions for Bear and Elk Hunting, were made available for comment commencing January 27, 2010. Oral or written comments relevant to these documents will be received at the March 3, 2010, meeting in Ontario. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., March 13, 2010. Draft environmental documents are available for review at the Commission office and at the Department of Fish and Game's, Wildlife Programs Branch office in Sacramento. Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Long Beach, Bishop, Eureka, Belmont, Monterey, Chino and San Diego. **NO WRITTEN COMMENTS ON DRAFT ENVIRONMENTAL DOCUMENTS WILL BE ACCEPTED AFTER 5:00 P.M. ON MARCH 13, 2010.**

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action eliminates undue restrictions on outdoor recreation by modifying dog control zone boundaries and

removing restrictions pertaining to the use of tip switches and GPS technology on dog collars. Given the number of individuals who use or train dogs for hunting purposes will remain relatively static in California, this proposal is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:
None.
- (c) Cost Impacts on Private Persons:
The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:
None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies:
None.
- (f) Programs Mandated on Local Agencies or School Districts:
None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:
None.
- (h) Effect on Housing Costs:
None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be effective as and less burdensome to affected private persons than the proposed action.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE OF INTENT TO LIST
EPOXICONAZOLE
EXTENSION OF PUBLIC COMMENT PERIOD
March 19, 2010**

[Posted on OEHHA web site on March 8, 2010]

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act), which is codified as Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act describes the mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8).

On February 5, 2010, OEHHA published a notice in the *California Regulatory Notice Register* (Register 2010, No. 6–Z) soliciting information which may be relevant to the evaluation of *epoxiconazole*. This chemical is under consideration for listing under Proposition 65’s administrative listing process. The regulatory criteria for this listing can be found in Title 27 of the California Code of Regulations section 25306.

Publication of the prior notice initiated a 30–day public comment period that would have closed on March 8, 2010. OEHHA has received a request from an interested party seeking an extension of the comment period to allow for the submission of complete and relevant scientific information for *epoxiconazole*. **OEHHA hereby extends the public comment period for *epoxiconazole* to 5 p.m., Wednesday, April 7, 2010.**

Written comments, along with any supporting documentation, may be transmitted via email addressed to coshita@oehha.ca.gov or to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street, 19th floor
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812–4010
Fax No.: (916) 323–8803
Telephone: (916) 445–6900

Please provide hard–copy comments in triplicate. In order to be considered, comments must be received at OEHHA by 5:00 p.m. Wednesday, April 7, 2010.

**OAL REGULATORY
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

**(Pursuant to Government Code Section
11340.5 and Title 1, section 270, of the
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324–6044 or mmolina@oal.ca.gov.

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Date: March 8, 2010

To: Ricky Gray

From: Chapter Two Compliance Unit

Subject: **2010 OAL DETERMINATION NO. 5(S)
(CTU2009–1130–02)**

(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation Operational Procedure No. 804 issued by California State Prison, Corcoran

On November 30, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether Operational Procedure No. 804 (OP 804) constitutes an underground regulation.

On December 14, 2009, we notified you that the petition was not complete because it was lacking a written copy of the alleged underground regulation. On January 7, 2010, you submitted OP 804 to complete the petition. OP 804 was issued in July, 2009, by California State Prison, Corcoran (CSP, Corcoran), and signed by Derral G. Adams, warden at CSP, Corcoran. The rule deals with religious programs at CSP, Corcoran. OP 804 is attached hereto as Exhibit A.¹

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,² which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).³ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility

(Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition applies solely to the inmates of CSP, Corcoran. It was issued by Derral G. Adams, the warden of CSP, Corcoran. Inmates housed at other institutions are governed by those other institution’s criteria for religious programs. The rule you challenged was issued by CSP, Corcoran, and applies only to inmates at the CSP, Corcoran. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.⁴

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/
SUSAN LAPSLEY
Director

/s/
Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
John McClure

⁴ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. (Emphasis added.)

¹ Page 14 of Exhibit A was missing from the petition, however, it is not relevant to this determination.

² “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

³ Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0122-03

BOARD OF OCCUPATIONAL THERAPY

Definitions

This rulemaking amends Title 16 section 4100 to define "incompetence," "negligence," and "gross negligence." This amendment also defines what crimes, acts or offenses are substantially related to the qualifications, functions, or duties of a licensee.

Title 16

California Code of Regulations

AMEND: 4100

Filed 03/08/2010

Effective 04/07/2010

Agency Contact: James Schenk (916) 263-2249

File# 2010-0125-03

DENTAL BOARD OF CALIFORNIA

Continuing Education Requirements

This regulatory action amends the Dental Board's continuing education requirements for licensees and course providers.

Title 16

California Code of Regulations

AMEND: 1016, 1017 REPEAL: 1016.1, 1017.1

Filed 03/09/2010

Effective 04/08/2010

Agency Contact: Donna Kantner (916) 263-2300

File# 2010-0303-01

DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit Fly Interior Quarantine

This emergency readopt of a prior emergency regulatory action (OAL file no. 2009-0820-02E) will continue the removal of approximately 93 square miles of the quarantine area for the Mediterranean fruit fly in San Diego County surrounding the Spring Valley area. The effect of the amendment is to remove the authority for

the State to regulate movement of hosts and possible carriers of Mediterranean fruit fly within and from the area removed from quarantine.

Title 3

California Code of Regulations

AMEND: 3406(b)

Filed 03/04/2010

Effective 03/04/2010

Agency Contact:

Stephen S. Brown

(916) 654-1017

File# 2010-0225-01

DEPARTMENT OF FOOD AND AGRICULTURE

European Grapevine Moth — Interior Quarantine

The Department of Food and Agriculture (Department) adopts this emergency regulatory action to add section 3437 to title 3 of the California Code of Regulations. Specifically, the Department establishes a regulated quarantine area of approximately 162 square miles for the Lobesia botrana (European Grapevine Moth) in Napa, Solano and Sonoma counties.

Title 3

California Code of Regulations

ADOPT: 3437

Filed 03/03/2010

Effective 03/03/2010

Agency Contact:

Susan McCarthy

(916) 654-1017

File# 2010-0119-06

DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit Fly Interior Quarantine

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2009-0716-02E) that removed a portion of the El Cajon area of San Diego County, approximately 105 square miles, from the area currently under quarantine (approximately 198 square miles) for the Mediterranean fruit fly.

Title 3

California Code of Regulations

AMEND: 3406(b)

Filed 03/03/2010

Agency Contact:

Stephen S. Brown

(916) 654-1017

File# 2010-0119-05

DEPARTMENT OF FOOD AND AGRICULTURE

Oriental Fruit Fly Interior Quarantine

This regulatory action is to remove approximately 109 square miles from a quarantine area in Los Angeles and Orange counties for the Oriental Fruit Fly.

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 03/03/2010
Effective 03/03/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0126-02
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Eradication Area

Department of Food and Agriculture filed this timely certificate of compliance action to make permanent the amendment to title 3, California Code of Regulations, sec. 3591.20(a) adopted as an emergency in OAL File Nos. 2009-0617-05 E and 2009-1214-02EE. The amendment added San Joaquin County as an additional eradication area for the light brown apple moth (*Epiphyas postvittana*).

Title 3
California Code of Regulations
AMEND: 3591.20(a)
Filed 03/10/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0301-02
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This regulatory action expands the quarantine area for the Light Brown Apple Moth (LBAM) (*Epiphyas postvittana*) in the following counties: Contra Costa, Marin, Monterey, Napa, Solano, Sonoma, Los Angeles, and San Luis Obispo. It also establishes a new quarantine area of approximately 25 square miles in the Kenwood area of Sonoma county.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 03/10/2010
Effective 03/10/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0119-03
DEPARTMENT OF FOOD AND AGRICULTURE
West Indian Sugarcane Root Borer Exterior Quarantine & Diaprepes Root Weevil

This regulatory action repeals the quarantine areas previously specified against Diaprepes Root Weevil because funding for continuance of the Diaprepes Root Weevil Project was not approved. The regulatory action further repeals the quarantine areas previously speci-

fied for West Indian Sugarcane Root Borer Exterior Quarantine because it is the old common name for Diaprepes Root Weevil. (In both cases, the target pest is *Diaprepes abbreviatus*.)

Title 3
California Code of Regulations
REPEAL: 3279, 3433
Filed 03/03/2010
Effective 04/02/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0119-07
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Eradication Area

This Certificate of Compliance makes permanent an emergency regulatory action (OAL file no. 2009-0716-03E) that established the County of San Luis Obispo as an eradication area for the pest Light Brown Apple Moth (*Epiphyas postvittana*).

Title 3
California Code of Regulations
AMEND: 3591.20
Filed 03/03/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0225-02
DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control

This emergency regulatory action modifies the existing oak mortality disease control regulation by adding ten new plants to the list of associated articles (nursery stock), *Choisya ternate*, *Cornus kousa*, *Daphniphyllum glaucescens*, *Ilex aquifolium*, *Lithocarpus glaber*, *Magnolia cavaleri*, *Magnolia foveolata*, *Ribes laurifolium*, *Vaccinium myrtillus* and *Vaccinium vitis-idaea* whose movements are regulated as hosts or potential carriers that may transfer the disease from an infested area.

Title 3
California Code of Regulations
AMEND: 3700(c)
Filed 03/04/2010
Effective 03/31/2010
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2010-0121-06
DEPARTMENT OF MOTOR VEHICLES
Year of Manufacture Program

This action codifies a program authorized by Vehicle Code section 5004.1 that enables the owner of an older car or commercial vehicle to obtain a vintage license plate from the year that his or her vehicle was manufac-

tured and have it assigned as the license plate for the vehicle.

Title 13
California Code of Regulations
ADOPT: 205.00, 205.02, 205.04, 205.06, 205.08, 205.10, 205.12, 205.14
Filed 03/04/2010
Effective 04/03/2010
Agency Contact: Randi Calkins (916) 657-8898

File# 2010-0119-09
DEPARTMENT OF MOTOR VEHICLES
Annual Fee Adjustment 2010

This regulatory action is the Department of Motor Vehicle's annual adjustment of fees for various licensing categories to compensate for increases in the California Consumer Price Index for the prior year, as calculated by the Department of Finance, pursuant to the mechanism in Vehicle Code section 1678. In addition, this regulatory action codifies in regulation the statutory changes in base fee amounts made by A.B. 10 (Chapter 10, 2009 Fourth Extraordinary Session) effective January 1, 2010.

Title 13
California Code of Regulations
AMEND: 423.00
Filed 03/03/2010
Effective 03/03/2010
Agency Contact: Maria Grijalva (916) 657-9001

File# 2010-0121-04
DEPARTMENT OF PUBLIC HEALTH
Scope of Practice in Licensed Health Facilities

This regulatory action revises existing regulations on the scope of practice in General Acute Care Hospitals, Acute Psychiatric Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities, and Chemical Dependency Rehabilitation Hospitals.

Title 22
California Code of Regulations
AMEND: 70055, 70577, 70703, 70706, 70707, 70717, 70749, 70751, 70753, 71053, 71203, 71205, 71503, 71507, 71517, 71545, 71551, 71553, 72091, 72109, 72303, 72311, 72315, 72319, 72337, 72413, 72423, 72433, 72453, 72461, 72471, 72515, 72523, 72525, 72528, 72543, 72547, 73077, 73089, 73301, 73303, 73311, 73313, 73315, 73325, 73329, 73399, 73409, 73449, 73469, 73479, 73489, 73517, 73519, 73523, 73524, 73543, 73547, 79315, 79351, 79637, 79689
Filed 03/03/2010
Effective 04/02/2010
Agency Contact: Barbara S. Gallaway (916) 440-7689

File# 2010-0121-02
DEPARTMENT OF SOCIAL SERVICES
Foster Family Home Regulations

This rulemaking action affects regulations in Title 22 of the California Code of Regulations concerning foster family homes.

The rulemaking results from Senate Bill 1641, Chapter 388, of 2006, and several other measures, and from the recommendations of the Children's Residential Regulations Review Workgroup. The rulemaking generally amends, adopts, and repeals regulations to enhance the wellbeing of children in foster care and to promote greater normalization of their lives. Among other things, it establishes children's entitlements to participation in age-appropriate extracurricular and enrichment activities. It requires that foster parents exercise the prudent parent standard in decision making. It exempts caregivers from prohibitions against administering certain medications and giving injections. It requires court orders for the administration of psychotropic medications. It allows caregivers to utilize short-term babysitters. It also establishes rules for shared responsibility for minor parents in foster care regarding the care of the minor parent's child.

Title 22, MPP
California Code of Regulations
ADOPT: 89475.1, 89475.2 AMEND: 89200, 89201, 89202, 89205, 89206, 89207, 89218, 89219, 89219.1, 89219.2, 89224, 89226, 89227, 89228, 89229, 89231, 89234, 89235, 89240, 89242, 89244, 89246, 89252, 89254, 89255, 89255.1, 89256, 89286, 89317, 89318, 89319, 89323, 89361, 89370, 89372, 89373, 89374, 89376, 89377, 89378, 89379, 89387, 89387.1 renumbered as 89387(h), 89387.2, 89388, 89400, 89405, 89410, 89420, 89421, 89465, 89468, 89469, 89475, 89510.1, 89510.2, 89565.1, 89566, 89569.1, 89572.2, 89587.1 REPEAL: 89245, 89261, 89570.1
Filed 03/04/2010
Effective 04/03/2010
Agency Contact: Everardo Vaca (916) 657-2586

File# 2010-0127-02
FISH AND GAME COMMISSION
List Longfin Smelt as a Threatened Species

This rulemaking amends Title 14 section 670.5 to add the Longfin Smelt as a threatened species.

Title 14
California Code of Regulations
AMEND: 670.5
Filed 03/10/2010
Effective 04/09/2010
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2010-0126-05
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Pressurized Worksite Operations

This rulemaking action updates the Board's regulations that specify the minimum standards for pressurization procedure and decompression of workers in pressurized work environments, repealing the current regulations and incorporating provisions from the U.S. Navy's Diving Manual of 2008 by reference.

Title 8
California Code of Regulations
AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B
Filed 03/10/2010
Effective 04/09/2010
Agency Contact: Marley Hart (916) 274-5721

File# 2010-0126-03
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Proposition 65 — Electronic Notice

This rulemaking action amends existing procedures governing service of a 60-day notice under Proposition 65 by establishing an alternative procedure for serving notices on prosecutors via electronic mail, if the prosecutor has consented to that method of service.

Title 27
California Code of Regulations
AMEND: 25903
Filed 03/10/2010
Effective 04/09/2010
Agency Contact: Monet Vela (916) 323-2517

File# 2010-0127-01
STATE WATER RESOURCES CONTROL BOARD
Amendments of the California Ocean Plan

On September 15, 2009 the State Water Resources Control Board adopted Resolution Number 2009-0072, which proposed changes to the 2005 California Ocean Plan referred to in section 3005 in title 23 of the California Code of Regulations.

Title 23
California Code of Regulations
AMEND: 3005
Filed 03/10/2010
Effective 03/10/2010
Agency Contact:
Dominic Gregorio (916) 341-5488

File# 2010-0121-05
STATE WATER RESOURCES CONTROL BOARD
Storage of biodiesel blends in underground storage tanks

This is a certificate of compliance that makes permanent the prior emergency regulatory action (OAL file nos. 2009-0521-02E, 2009-1029-01EE, and 2010-0210-02EE) that allows for the lawful storage of certain biodiesel blends up to 20% biodiesel, 80% petroleum diesel, commonly known as B20, in underground storage tanks (USTs) that have been tested and approved for storing petroleum diesel, but testing for storing B20 by an independent testing organization has not been completed, if specified conditions are met.

Title 23
California Code of Regulations
ADOPT: 2631.2
Filed 03/04/2010
Agency Contact: Lori Brock (916) 341-5185

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN October 7, 2009 TO
March 10, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
02/24/10 AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02
02/23/10 AMEND: div. 8, ch. 16, sec. 37000
02/19/10 AMEND: 52400
02/11/10 ADOPT: 18421.9 AMEND: 18431
02/11/10 AMEND: 18950.3
02/09/10 ADOPT: 59660
01/26/10 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585
01/25/10 AMEND: 58100
01/19/10 AMEND: div.8, ch. 102, sec. 59100
01/14/10 AMEND: Section 27000
01/13/10 ADOPT: div. 8, ch. 119, sec. 59640
01/11/10 ADOPT: 18229.1, 18944 REPEAL: 18944
01/05/10 AMEND: div. 8, ch. 49, sec. 53800
12/22/09 AMEND: 1859.96, 1859.148.2, 1859.166.2
12/21/09 AMEND: 1896.4, 1896.12

12/21/09 ADOPT: 20714.5 AMEND: 20711,
20712, 20714, 20716, 20717, 20718,
20719
11/24/09 AMEND: 1859.2
11/24/09 AMEND: 1859.2, 1859.35, 1859.51,
Form SAB 50-02, SAB Form 50-03,
SAB Form 50-04
11/17/09 ADOPT: 20810, 20811, 20812, 20813,
20814, 20815, 20816, 20817, 20818,
20819, 20820, 20821, 20822, 20823,
20830, 20831, 20832, 20833, 20840,
20841, 20842
11/16/09 AMEND: 1859.129, 1859.197
11/12/09 ADOPT: 18944.4 AMEND: 18944.3
11/12/09 ADOPT: 18219, 18734
11/09/09 ADOPT: 1859.148.2, 1859.166.2
AMEND: 1859.2, 1859.121, 1859.164.2,
1859.197
11/09/09 ADOPT: 604 REPEAL: 604
11/05/09 ADOPT: 60800, 60801, 60802, 60803,
60804, 60805, 60806, 60807, 60808,
60809, 60810, 60811, 60812, 60813,
60814, 60815, 60816, 60817, 60818,
60819, 60820, 60821, 60822, 60823,
60824, 60825, 60826, 60827, 60828,
60829, 60830, 60831, 60832, 60833,
60834, 60835, 60836, 60837, 60840,
60841, 60842, 60843, 60844, 60845,
60846, 60847, 60848, 60849, 60850,
60851, 60852, 60853, 60854, 60855
11/03/09 ADOPT: 1859.96 AMEND: 1859.2,
1859.90

Title 3

03/10/10 AMEND: 3591.20(a)
03/10/10 AMEND: 3434(b)
03/04/10 AMEND: 3700(c)
03/04/10 AMEND: 3406(b)
03/03/10 REPEAL: 3279, 3433
03/03/10 AMEND: 3591.20
03/03/10 AMEND: 3406(b)
03/03/10 AMEND: 3423(b)
03/03/10 ADOPT: 3437
02/26/10 AMEND: 3435
02/18/10 AMEND: 3591.23
02/18/10 ADOPT: 3591.24
01/25/10 AMEND: 3434(b)
01/25/10 AMEND: 3406(b)
01/25/10 ADOPT: 1430.54, 1430.55, 1430.56,
1430.57
01/19/10 ADOPT: 3436
01/12/10 AMEND: 3434(b)
01/11/10 AMEND: 3406(b) and (c)
01/06/10 AMEND: 3435(b)
01/04/10 AMEND: 2675, 2734, 2735

12/31/09 AMEND: 3434(b), (c), (e)
12/29/09 AMEND: 3423(b)
12/28/09 AMEND: 3434(b)
12/28/09 AMEND: 3434(b)
12/16/09 AMEND: 3591.20(a)
12/16/09 AMEND: 3406(b)(c)
11/25/09 AMEND: 3435(b)
11/24/09 AMEND: 3430(b)
11/16/09 AMEND: 3435(b)
11/16/09 AMEND: 3406(b)(c)
11/10/09 AMEND: 3434(b)
10/30/09 AMEND: 3435(b), (c) and (d)
10/15/09 AMEND: 3434(b)
10/08/09 AMEND: 3434(b)
10/08/09 AMEND: 3591.20(a)

Title 4

02/01/10 AMEND: 1867
01/29/10 AMEND: 1866
01/27/10 AMEND: 10020
01/27/10 AMEND: 1890
01/27/10 AMEND: 1859
01/27/10 AMEND: 1843.6 and 1858
12/17/09 AMEND: 8070, 8072, 8073, 8074
12/09/09 AMEND: 12388
12/08/09 ADOPT: 12218.8, 12218.9, 12238,
12239 AMEND: 12200.9, 12200.10A,
12200.11, 12200.13, 12203.2, 12205.1,
12218, 12218.7, 12220.13, 12220.18,
12220.23, 12225.1, 12233, 12235
10/27/09 AMEND: 8034, 8035, 8042, 8043
10/20/09 AMEND: 1606
10/07/09 AMEND: 7030, 7034, 7035, 7037, 7038,
7042, 7044, 7045, 7046, 7048, 7049,
7050

Title 5

02/26/10 AMEND: 19824, 19851, 19854
02/01/10 ADOPT: 70030, 70040, 71135, 71320,
71390, 71395, 71400.5, 71401, 71475,
71480, 71485, 71640, 71650, 71655,
71716, 71750, 71760, 74110, 74115,
76020, 76140, 76212, 76240 AMEND:
70000, 70010, 70020, 71100, 71110,
71120, 71130, 71140, 71150, 71160,
71170, 71180, 71190, 71200, 71210,
71220, 71230, 71240, 71250, 71260,
71270, 71280, 71290, 71300, 71310,
71340, 71380, 71400, 71405, 71450,
71455, 71460, 71465, 71470, 71500,
71550, 71600, 71630, 71700, 71705,
71710, 71715, 71720, 71730, 71735,
71740, 71745, 71770, 71810, 71850,
71865, 71920, 71930, 74000, 74002,
74004, 74006, 74120, 74130, 74140,
74150, 74160, 74170, 74190, 74200,

76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010	01/04/10 AMEND: 1203, 1204, 1205, 1206, 1207.1, 1208, 1209, 1211, 1217, 1218, 1219, 1220, 1225 12/18/09 AMEND: 41905 12/16/09 ADOPT: 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846 12/16/09 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736 11/03/09 AMEND: 1200, 1204.5, 1207, 1207.5, 1210, 1211.5, 1215, 1215.5, 1216 REPEAL: 1207.2
Title 8	
	03/10/10 AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B 02/03/10 AMEND: 5155 02/02/10 AMEND: 1549(h) 12/09/09 AMEND: 9812, 10111.2 12/02/09 AMEND: 4086 11/19/09 AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611 11/04/09 AMEND: 9771, 9778, 9779, 9779.5 REPEAL: 9779.9 10/28/09 AMEND: 3333, 3650 10/26/09 AMEND: 5306 10/22/09 AMEND: 3277 10/07/09 AMEND: 2395.6
Title 9	
	12/21/09 ADOPT: 9550 12/21/09 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533 11/04/09 ADOPT: 3200.125, 3200.215, 3200.217, 3200.253, 3200.254, 3200.255, 3200.256, 3200.275, 3200.276, 3200.320, 3200.325, 3550, 3810, 3820, 3830, 3840, 3841, 3842, 3843, 3844, 3844.1, 3845, 3850, 3851, 3851.1, 3852, 3853, 3854, 3854.1, 3854.2, 3856 AMEND: 3310, 3510 10/26/09 ADOPT: 4350
Title 10	
01/21/10 ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709	02/23/10 ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911 02/23/10 ADOPT: 2187, 2187.1, 2187.3, 2187.6, 2188.2.5, 2188.5.5, 2188.50(a), 2188.50(b), 2188.50(c), 2188.50(e), 2188.50(h) AMEND: 2186, 2186.1, 2187 (renumbered to 2187.3), 2187.1
01/21/10 ADOPT: 80034.1, 80034.2, 80034.3 AMEND: 80035, 80035.1, 80035.5	

(renumbered to 2187.2), 2187.2
 (renumbered to 2187.7), 2187.3
 (renumbered to 2187.4), 2187.4
 (renumbered to 2187.5), 2188, 2188.1,
 2188.2, 2188.3, 2188.4, 2188.5, 2188.23
 (renumbered to 2188.50(d)), 2188.24
 (renumbered to 2188.50(f)), 2188.83
 (renumbered to 2188.50(g))
 02/03/10 AMEND: 2695.85
 01/21/10 ADOPT: 3575, 3576, 3577 AMEND:
 3500, 3522, 3523, 3524, 3526, 3527,
 3528, 3529, 3530, 3582, 3681, 3702,
 3703, 3721, 3724, 3726, 3728, 3731,
 3741
 01/07/10 AMEND: 2651.1, 2652.1, 2652.10,
 2653.3, 2653.4, 2653.5, 2654.1, 2655.3,
 2655.4
 12/15/09 REPEAL: 2232.45.1, 2232.45.2,
 2232.45.3, 2232.45.4, 2232.45.5
 12/08/09 AMEND: 2699.6603
 12/07/09 ADOPT: 2309.2, 2309.3, 2309.4, 2309.5,
 2309.6, 2309.7, 2309.8, 2309.9, 2309.10,
 2309.11, 2309.12, 2309.13, 2309.14,
 2309.15, 2309.16, 2309.17, 2309.18,
 2309.20
 12/03/09 AMEND: 2698.600, 2698.602
 12/01/09 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4,
 2031.5, 2031.6, 2031.7, 2031.8
 AMEND: 2031.9, 2031.10
 12/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4,
 2850.5, 2850.6, 2850.7, 2850.8, 2850.9,
 2850.10
 12/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7,
 4.8, 4.9, 4.10
 12/01/09 AMEND: 2699.200, 2699.201
 11/19/09 AMEND: 5500, 5501, 5502, 5503, 5504,
 5505, 5506, 5507
 11/19/09 AMEND: 2498.5
 11/19/09 AMEND: 2498.5
 11/19/09 AMEND: 2498.4.9
 11/19/09 AMEND: 2498.4.9
 11/10/09 AMEND: 260.101.2, 260.103.4,
 260.105.7, 260.105.17, 260.105.33,
 260.105.34, 260.211.1, 260.217,
 260.230, 260.241.4, 260.242 REPEAL:
 260.105.37, 260.204.11
 10/29/09 AMEND: 2699.6809
 10/29/09 AMEND: 2699.6600, 2699.6607,
 2699.6619, 2699.6621, 2699.6705,
 2699.6715, 2699.6725
 10/26/09 AMEND: 2632.9
 10/26/09 AMEND: 2695.85
 10/15/09 AMEND: 2632.5

Title 11

01/11/10 38.3
 01/05/10 AMEND: 900, 901, 902, 903, 904, 905,
 906 REPEAL: 907, 908, 909, 910, 911
 11/09/09 AMEND: 1005, 1007, 1008
 10/14/09 AMEND: 9052(c), 9053(b), 9053(c),
 9053(e)(5)(A)4, 9053(e)(10)(A),
 9053(e)(10)(B), 9054(e)(4), 9057(b),
 9059(b), 9059(c), 9059(e)(9)(A),
 9059(e)(9)(B), 9060(e)(4)

Title 12

10/13/09 ADOPT: 600 REPEAL: 600

Title 13

03/04/10 ADOPT: 205.00, 205.02, 205.04, 205.06,
 205.08, 205.10, 205.12, 205.14
 03/03/10 AMEND: 423.00
 02/22/10 AMEND: 350.36, 350.38, 350.40,
 350.44, 350.46
 01/14/10 ADOPT: 2032 AMEND: 1961, 1962,
 1962.1, 1976, 1978
 01/05/10 AMEND: 553.70
 12/31/09 AMEND: 2449, 2449.1, 2449.2
 12/31/09 AMEND: 2449, 2449.1, 2449.2
 12/15/09 ADOPT: 155.07 AMEND: 155.05
 12/09/09 ADOPT: 2025
 12/03/09 AMEND: 425.01
 10/20/09 AMEND: 2433
 10/13/09 ADOPT: 2350, 2351, 2352, 2353, 2354,
 2355, 2356, 2357, 2358, 2359

Title 13, 17

12/03/09 AMEND: Title 13 — 1956.8, 2020, 2022,
 2022.1, 2027, 2449, 2449.3, 2451, 2452,
 2453, 2455, 2456, 2458, 2461, 2462,
 2479, 2485, Title 17 — 93116.1, 93116.2,
 93116.3, 93116.5

Title 14

03/10/10 AMEND: 670.5
 02/23/10 AMEND: 1052(a)
 02/18/10 AMEND: 155
 02/16/10 ADOPT: 15064.4, 15183.5, 15364.5
 AMEND: 15064, 15064.7, 15065,
 15086, 15093, 15125, 15126.2, 15126.4,
 15130, 15150, 15183, Appendix F,
 Appendix G
 02/09/10 ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74,
 2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30,
 5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81,
 5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80,
 27.92, 29.90, 700, 701
 02/03/10 AMEND: 11960
 02/01/10 AMEND: 1257
 01/29/10 AMEND: 791.7, 792

01/28/10	AMEND: 2090, 2425, 2525, 2530	01/25/10	ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2
01/14/10	ADOPT: 749.5	01/25/10	ADOPT: 3075.2(b)(4) through (b)(4)(C), 3075.3(c), 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504
01/13/10	REPEAL: 1.18	01/07/10	AMEND: 1, 100, 102, 260, 261, 262, 263, 351, 352, 353, 354, 355, 356, 358, 1006, 1010, 1029, 1032, 1045, 1055, 1056, 1063, 1081, 1083, 1084, 1100, 1122, 1140, 1160, 1245, 1260, 1264, 1272, 1280
01/08/10	AMEND: 4970.00, 4970.01, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10, 4970.10.1, 4970.10.3, 4970.10.4, 4970.11, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.17, 4970.19, 4970.19.2, 4970.19.4, 4970.20, 4970.21, 4970.22, 4970.24, 4970.25.1, 4970.26	01/07/10	ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6
12/29/09	AMEND: 4609	12/29/09	ADOPT: 3378.3 AMEND: 3000, 3378.1
12/21/09	AMEND: 670.5	12/21/09	AMEND: 3287, 3290
12/21/09	AMEND: 2310, 2320	11/24/09	ADOPT: 3123, 3124 AMEND: 3041.3, 3122, 3162, 3164, 3165
12/02/09	AMEND: 699.5	10/23/09	ADOPT: 3999.8
12/01/09	AMEND: 895, 895.1, 898, 914.8, 916, 916.2, 916.5, 916.9, 916.11, 916.12, 923.3, 923.9, 916.9.1, 923.9.1, 934.8, 936.5, 936, 936.2, 936.9, 936.9.1, 936.11, 936.12, 943.3, 943.9, 943.9.1, 954.8, 956.5, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9	10/14/09	AMEND: 3045.2
11/30/09	ADOPT: 1022.4, 1022.5, 1024.6 AMEND: 1035.3, 1090.12, 1092.14	Title 16	
11/30/09	AMEND: 1052, 1052.1, 1052.4	03/09/10	AMEND: 1016, 1017 REPEAL: 1016.1, 1017.1
11/25/09	AMEND: 895, 895.1, 919.9, 919.10, 939.9, 939.10	03/08/10	AMEND: 4100
11/23/09	ADOPT: 749.4	02/24/10	AMEND: 4120
11/18/09	AMEND: 163, 164	02/22/10	ADOPT: 2262.1 AMEND: 2262
10/29/09	AMEND: 551	02/18/10	ADOPT: 50.1
10/27/09	AMEND: 938.8	02/16/10	ADOPT: 318.1
10/27/09	ADOPT: 1530.05 AMEND: 1553, 1554, 1561.1, 1562, 1564, 1567	01/06/10	AMEND: 1505
10/26/09	ADOPT: 1091.15 AMEND: 1091.9	01/06/10	ADOPT: 2.4
10/22/09	ADOPT: 749.5	01/06/10	ADOPT: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8 AMEND: 1751, 1751.01, 1751.02, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8, 1751.9 REPEAL: 1716.1, 1716.2, 1751.1, 1751.6, 1751.9
10/20/09	ADOPT: 6594, 6594.1, 6594.2, 6594.3, 6594.4, 6594.5, 6594.6, 6594.7, 6594.8, 6594.9, 6594.20, 659.21, 6594.22, 6594.23, 6594.24, 6594.25, 6594.26, 6594.27, 6594.40, 6594.41, 6594.42, 6594.43, 6594.44, 6594.45, 6594.46, 6594.47	12/18/09	ADOPT: 81, 87.8, 87.9 AMEND: 80, 87, 87.1, 87.7, 88, 88.1, 88.2, 89
10/20/09	AMEND: 300	12/16/09	ADOPT: 3340.45 AMEND: 3340.5, 3340.15, 3340.16, 3340.42
10/07/09	AMEND: 122	12/10/09	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6
Title 15		12/09/09	AMEND: 1314.1
02/24/10	AMEND: 7001	12/03/09	AMEND: 1338
02/16/10	ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565	11/30/09	AMEND: 832.45, 832.46, 861 REPEAL: 842
02/02/10	ADOPT: 3054.3 AMEND: 3054, 3054.1, 3054.2, 3054.3 (renumbered to 3054.4), 3054.4 (renumbered to 3054.5), 3054.5 (renumbered to 3054.6), 3054.6 (renumbered to 3054.7)	11/30/09	AMEND: 2286
		11/12/09	ADOPT: 645
		11/05/09	ADOPT: 3340.42.2 AMEND: 3340.17, 3340.42
		10/08/09	AMEND: 1888

10/07/09	ADOPT: 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99 REPEAL: 1399.50, 1399.52	73523, 73524, 73543, 73547, 79315, 79351, 79637, 79689
Title 17		
02/08/10	AMEND: 95362, 95365, 95366, 95367, 95368	02/24/10 ADOPT: 97177.10, 97177.15, 97177.20, 97177.25, 97177.30, 97177.35, 97177.45, 97177.50, 97177.55, 97177.60, 97177.65, 97177.67, 97177.70, 97177.75, 97199.50, 97200
01/12/10	ADOPT: 95480, 95480.1, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95489, 95490	AMEND: 97170, 97172, 97174, 97176, 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97194 (renumbered as 97199), 97196, 97198
12/28/09	ADOPT: 95340, 95341, 95342, 95343, 95344, 95345, 95346	02/23/10 AMEND: 7000
12/17/09	ADOPT: 100600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610, 100611	01/27/10 AMEND: 4402.2, 4406, 4409, 4420, 4420.5, 4426
12/14/09	ADOPT: 95320, 95321, 95322, 95323, 95324, 95325, 95326	01/21/10 AMEND: 455.5-6, 455.5-7, 455.5-8
12/09/09	ADOPT: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311	12/31/09 AMEND: 97018, 97019, 97215, 97216, 97222, 97225, 97226, 97227, 97231, 97232, 97234, 97240, 97241, 97244, 97245, 97246, 97249, 97260, 97261, 97264, 97267
11/12/09	AMEND: 30305	12/21/09 AMEND: 7314
11/10/09	ADOPT: 100502	11/24/09 ADOPT: 65800, 65801, 65802, 65803, 65804, 65805, 65806, 65807, 65808
10/15/09	ADOPT: 1230 REPEAL: 1230	
Title 18		Title 22, MPP
01/25/10	AMEND: 2504, 2505, 2506, 2507, 2508, 2509, 2512, 2513, 2514, 2525, 2530, 2535, 2536, 2537, 2538, 2540, 2541, 2542, 2543, 2544, 2557, 2560, 2561	03/04/10 ADOPT: 89475.1, 89475.2 AMEND: 89200, 89201, 89202, 89205, 89206, 89207, 89218, 89219, 89219.1, 89219.2, 89224, 89226, 89227, 89228, 89229, 89231, 89234, 89235, 89240, 89242, 89244, 89246, 89252, 89254, 89255, 89255.1, 89256, 89286, 89317, 89318, 89319, 89323, 89361, 89370, 89372, 89373, 89374, 89376, 89377, 89378, 89379, 89387, 89387.1 renumbered as 89387(h), 89387.2, 89388, 89400, 89405, 89410, 89420, 89421, 89465, 89468, 89469, 89475, 89510.1, 89510.2, 89565.1, 89566, 89569.1, 89572.2, 89587.1 REPEAL: 89245, 89261, 89570.1
01/20/10	AMEND: 5237, 5266	02/04/10 ADOPT: 84074 AMEND: 83074, 83087, 84087, 84274, 86074, 86087, 86574, 89374
Title 19		Title 23
11/19/09	AMEND: 200, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217	03/10/10 AMEND: 3005
11/06/09	AMEND: 901, 905, 905.2, 906.3	03/04/10 ADOPT: 2631.2
Title 21		02/25/10 ADOPT: 3919.6
01/21/10	ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652	02/24/10 ADOPT: 3919.7
Title 22		02/22/10 ADOPT: 2631.2
03/03/10	AMEND: 70055, 70577, 70703, 70706, 70707, 70717, 70749, 70751, 70753, 71053, 71203, 71205, 71503, 71507, 71517, 71545, 71551, 71553, 72091, 72109, 72303, 72311, 72315, 72319, 72337, 72413, 72423, 72433, 72453, 72461, 72471, 72515, 72523, 72525, 72528, 72543, 72547, 73077, 73089, 73301, 73303, 73311, 73313, 73315, 73325, 73329, 73399, 73409, 73449, 73469, 73479, 73489, 73517, 73519,	01/26/10 AMEND: 3939.10
		12/15/09 AMEND: 2200

12/01/09	ADOPT: 5.1, 13.1, 13.2, 138 AMEND: 1, 3, 4, 5, 6, 7, 8, 13, 15, 109, 112 Table 8.1, 120, 193 Appendix A	5348, 5350, 5352, 5354, 5356, 5360, 5362, 5364, 5366, 5368 REPEAL: 5042
11/04/09	ADOPT: 2631.2	10/29/09 AMEND: 1008
11/02/09	ADOPT: 3919.5	10/15/09 ADOPT: 4100, 4102, 4104
10/21/09	AMEND: 1062, 1064, 1066, 1070	
Title 24		Title 27
12/02/09	ADOPT: 1-702 AMEND: 1-701	03/10/10 AMEND: 25903
Title 25		12/17/09 ADOPT: 10010 REPEAL: 10010
02/25/10	ADOPT: 6200, 6201, 6202, 6203	12/02/09 AMEND: 27001
01/29/10	AMEND: 5000, 5001, 5002, 5010, 5011, 5012, 5013, 5020, 5020.5, 5021, 5022, 5023, 5023.5, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5032, 5034, 5036, 5038, 5040, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5060, 5061, 5062, 5063, 5070, 5071, 5072, 5073, 5080, 5081, 5082, 5082.5, 5083, 5090, 5094, 5301, 5302, 5304, 5306, 5308, 5310, 5312, 5314, 5316, 5318, 5320, 5322, 5324, 5326, 5328, 5332, 5336, 5338, 5340, 5342, 5344, 5346,	10/26/09 AMEND: 25102(d)
		Title 28
		12/18/09 ADOPT: 1300.67.2.2
		Title MPP
		02/26/10 ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
		01/29/10 ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140
		12/22/09 AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306
		12/15/09 AMEND: 70-104
		11/10/09 AMEND: 31-002, 31-003 and 31-502